IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 10300 of 2005

Between:

1. U.Kanaka Raju, S/o. Venkata Subba Raju, Hindu, 70 years, resident of D.No.28-7-5, Mohiddin Street, Arundalpet, Vijayawada-2
2. U.Seetharama Raju, S/o.Venkata Subba Raju, Hindu, 80 years, resident of D.No.28-7-5, Upstairs, Mohiddin Street, Arundalpet, Vijayawada-2

..... PETITIONERS

AND

The Commissioner of Municipal Corporation, Vijayawada

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent interfering with the peaceful possession and enjoyment of the petitioners' of their respective lands i.e., plot Nos. 10 and 11 in R.S.No.45/11, Muthyalampadu Village, Ramakrishnapuram area, Vijayawada without following the due process of law is highly illegal, arbitrary and unjustified with a direction to the respondent not to interfere with the peaceful possession and enjoyment of the petitioners of their respective lands i.e., plot Nos. 10 and 11 in R.S.No.45/11, Muthyalampadu Village, Ramakrishnapuram area, Vijayawada without following due process of law.

Counsel for the Petitioners:MR.M.V.S.SAI KUMAR

Counsel for the Respondent: MR.T.S.VENKATARAMANA

The Court at the admission stage made the following :

O R D E R:

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this Court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondent is directed to follow the guidelines issued in *Pilli Lakshmana Rao* case, if he intends to demolish the dwelling houses of the petitioners, as averred in the affidavit, if not already demolished.

With these directions, the writ petition stands disposed of. No order as to costs.

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E.DHARMA RAO.J.,

06.06.2005

tjs

To

1. The Commissioner of Municipal Corporation, Vijayawada.

2) 2 CD copies.